

Application No. 08/793,416
Amendment dated November 20, 2006
Reply to Office Action dated May 25, 2004

REMARKS

**Reconsideration And Allowance
Are Respectfully Requested.**

Claims 20-38 are currently pending. Claim 20 has been amended. Claims 1-19 and 27-29 have been previously canceled. Claims 30-38 have been withdrawn based upon a prior election of species. No new claims have been added. No new matter has been added. Reconsideration is respectfully requested.

Applicant would first like to thank Examiners Daniel Greene, Jr. and Ric Palabrica for the courtesies extended during the interview conducted on November 15, 2006. During the course of this interview, proposed amendments to the claims were discussed. In particular, the amendments attempted to overcome the rejections under 35 U.S.C. § 112 and further define the claims in an effort to overcome the prior art of record. With regard to the rejections under 35 U.S.C. § 112, it was agreed the proposed amendments overcome the rejections under § 112. As to the rejections based upon prior art, Examiner Greene agrees to further consider these claims upon the filing of a Request for Continued Examination.

With the foregoing in mind, Applicant submits the present amendment and Request for Continued Examination. This filing is done with the intention of withdrawing the application from Appeal for further consideration before the Examiner.

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With regards to the rejections based upon 35 U.S.C. § 112, Applicant has substantially amended claim 1 in an effort to overcome these rejections. As such, and in consideration of the discussion with the Examiners during the interview of November 15, 2006, it is believed that the amendments do in fact overcome the rejections. As such, Applicant respectfully requests the outstanding rejections under 35 U.S.C. § 112 be withdrawn.

With regard to the rejections based upon prior art, claims 20-26 stand rejected under 35 USC § 103(a) as being unpatentable over any of U.S. Patent No. 3,515,625 to Sedlak et al. (Sedlak) or U.S. Patent No. 3,864,124 to Breton et al. (Breton) or GB Patent No. 954,595 to Weinberger (Weinberger) in view of any of U.S. Patent No. 2,312,920 to Lubow (Lubow), U.S. Patent No. 2,286,877 to Sternlicht (Sternlicht), U.S. Patent No. 3,311,933 to Allen (Allen), GB Patent No. 856,747 to Futo et al. (Futo), or U.S. Patent No. 2,063,329 to Morrison (Morrison). In addition, claims 20-26 stand rejected under 35 USC § 103(a) as being unpatentable over any of Sedlak or Breton or Weinberger in view of any of Lubow, Sternlicht, Allen, Futo or Morrison, and further in view of U.S. Patent No. 3,675,060 to Harrison (Harrison) and any of U.S. Patent No. 2,175,283 to Cote (Cote), U.S. Patent No. 4,748,060 to Fry et al. (Fry) or U.S. Patent No. 4,857,371 to McClintock (McClintock). Finally, claims 20-26 stand rejected under 35 USC § 103(a) as being unpatentable over any of Sedlak or Breton or Weinberger in view of any of Lubow, Sternlicht, Allen, Futo or Morrison, and further in view of any of U.S. Patent No. 2,497,543 to Frevel (Frevel), U.S. Patent No. 2,830,000 to Labino (Labino), Japanese Patent No. 0052799 ('799 patent) or U.S. Patent No. 3,895,143 to Tarlow (Tarlow).

As amended, claim 20 defines a moulded shield for a source of γ -rays. The moulded shield includes a resilient, cylindrical shield body having a cavity shaped and dimensioned to receive the source, wherein the shield body is in the form of a tube with an inner face, an outer face and a longitudinal slit. The shield body may be selectively opened along the slit so that the shield body can be pushed over a pipe so as to permit the passage of the source into the cavity and subsequently closed. The slit extends from the inner face to the outer face at an oblique angle relative to the radius of the shield body and the slit is unsealed along its length to permit opening and closing thereof facilitating the passage of the source into the cavity. The shield body includes a core layer of cured liquid silicone resin loaded with particulate γ radiation-shielding material adapted to surround a radiation source located in the cavity, the core layer being located between two outer layers of solid polymeric material.

In previously addressing claim 20, the Examiner has agreed that none of the primary references, that is, Sedlak, Breton or Weinberger, disclose a shield having an obliquely oriented, unsealed slit in conjunction with a cylindrical shield body as claimed. In fact, these references merely disclose radiation shielding materials. Lubow, Sternlicht, Allen, Futo, Morrison, Harrison, Cote, Fry, McClintock, Frevel, Labino, the '799 patent and Tarlow have been cited as suggesting the obviousness of modifying Sedlak or Breton or Weinberger to read upon the pending claims.

However, in accordance with the comments presented in the previously filed Appeal Brief, and in accordance with the discussion during the interview of November 15, 2006, it is Applicant's opinion nothing in the prior art discloses or suggests the obviousness of the claimed invention. In particular, while the cited references disclose a wide variety of features, the prior art does not disclose or suggest that it is obvious to combine as many as 16 references in rendering the pending claim obvious. The fact the Office Action cites so many references in an effort to show the


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obviousness of the claimed invention would certainly dictate against drawing a conclusion of obviousness. If in fact so many references are required in rendering the claimed invention, how can one truly consider it to be obvious?

With this in mind, it is Applicant's amended claim 20 overcomes the prior art of record and the rejections under 35 U.S.C. § 103(a) are improper. As such, Applicant respectfully requests the rejection be withdrawn. As to those claims dependent upon independent claim 20, they are also believed to overcome the prior art of record for at least the reasons presented above and Applicant similarly requests these rejections be withdrawn.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicant's representative at the below number.

Respectfully submitted,



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